

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SISAY BELAYNEH,

Plaintiff,

v.

HOLLAND AMERICA LINE INC.,

Defendant.

CASE NO. C05-1549JLR

ORDER

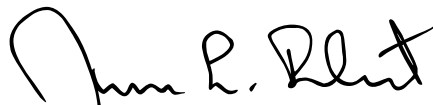
This matter comes before the court on a motion from Defendant Holland America Line Inc. (“Holland America”) for an award of costs in the amount of \$2,505.85 (Dkt. # 30). The court has considered Holland America’s motion and supporting exhibits and Plaintiff Sisay Belayneh’s opposition brief. For the reasons stated below, the court GRANTS Holland America’s motion.

Mr. Belayneh brought an employment discrimination lawsuit against Holland America. This court entered summary judgment in favor of Holland America on all of Mr. Belayneh’s claims. Holland America now seeks its costs pursuant to Fed. R. Civ. P. 54(d)(1) (“Rule 54(d)”) and Local Rules W.D. Wash CR 54(d). Specifically, Holland America seeks to recover costs for transcripts of depositions that it used to support its summary judgment motion.

1 Under Rule 54(d), “costs other than attorneys’ fees shall be allowed as of course to
2 the prevailing party unless the court otherwise directs.” This rule creates the presumption
3 of awarding costs to the prevailing party and requires the losing party to show why costs
4 are not recoverable. Save Our Valley v. Sound Transit, 335 F.3d 932, 945 (9th Cir. 2003)
5 (“A district court deviates from normal practice when it refuses to tax costs to the losing
6 party.”). Mr. Belayneh has not met his burden to rebut this presumption and show that
7 his case is “extraordinary” so as to justify a denial of costs. See Assoc. of Mexican-Am.
8 Educators v. California, 231 F.3d 572, 591 (9th Cir. 2000). The court disagrees that the
9 amount requested has the potential to “chill” future civil rights litigation. Compare id. at
10 593 (affirming the district court’s denial of \$216,443.67 in costs to a prevailing
11 defendant), with Save Our Valley, 335 F.3d at 946 (affirming district court’s award of
12 “relatively small sum [of] \$5,310.55”).

13 Accordingly, the court GRANTS Holland America’s motion (Dkt. # 30) and
14 awards costs of \$2,505.85 taxed in its favor and against Mr. Belayneh.

15 Dated this 8th day of December, 2006.

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18 JAMES L. ROBART
19 United States District Judge
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